

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACK BURKET, et al.,  
Plaintiffs,

v.

HYMAN LIPPITT, P.C., et al.,  
Defendants,

and

HYMAN LIPPITT, P.C.,  
Third-Party Plaintiff,

v.

KEITH MOHN, et al.,  
Third-Party Defendant

Case No. 05-72110

Honorable Patrick J. Duggan  
JENNIFER ADAMS, et al.,  
Plaintiffs,

v.

HYMAN LIPPITT, P.C., et al.,  
Defendants,

and

HYMAN LIPPITT, P.C.,  
Counter and Third-Party  
Plaintiff,

v.

KEITH MOHN, et al.,  
Counter and Third-Party  
Defendants.

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WILLIAM CLIFF, et al.,  
Plaintiffs,

v.

HYMAN LIPPITT, P.C., et al.,  
Defendants,

and

HYMAN LIPPITT, P.C.,  
Third-Party Plaintiff,

v.

KEITH MOHN, et al.,  
Third-Party Defendants.

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Case No. 05-72171

Honorable Patrick J. Duggan

v.

Case No. 05-72221

Honorable Patrick J. Duggan

**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on March 21, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

This matter is before the Court in three separate, but related lawsuits alleging Exchange Act and state law violations: *Burket et al. v. Hyman Lippitt, P.C. et al.*, Case No. 05-72110; *Adams et al. v. Hyman Lippitt, P.C. et al.*, Case No. 05-72171; and *Cliff et al. v. Hyman Lippitt P.C., et al.*, Case No. 05-72221. On October 24, 2006, Plaintiffs in all three cases filed motions for entry of default for failure to appear for depositions and abuse of discovery process against Hyman Lippitt, P.C., Douglas Hyman, Normal Lippitt, Brian O’Keefe, and John Sellers (collectively “Defendants”). On November 7, 2006, Defendants in all three cases responded to Plaintiffs’ motions. Plaintiffs filed reply briefs on November 13, 2006. On January 29, 2007, this Court referred Plaintiffs’ motions to Magistrate Judge Mona K. Majzoub.

On February 15, 2007, Magistrate Judge Majzoub filed her Report and Recommendation (R&R) recommending that this Court deny Plaintiffs’ motions. At the conclusion of the R&R, Magistrate Judge Majzoub advised the parties that they may

object and seek review of the R&R within ten days of service upon them. She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” R&R 5 (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6th Cir. 1991); and *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). No party has filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Majzoub.

Accordingly,

**IT IS ORDERED**, that Plaintiffs’ motions for entry of default for failure to appear for depositions and abuse of discovery process are **DENIED**.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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